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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,701	04/12/2001	Tom Ren	REN,01B	5019
23508	7590	01/30/2006	EXAMINER	
LUNDEEN & DICKINSON, LLP PO BOX 131144 HOUSTON, TX 77219-1144			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/834,701	Applicant(s) REN ET AL.	
	Examiner Cam Y T. Truong	Art Unit 2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-12 and 17-28.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

First, Applicant argued, "a personal interview with examiner on 8/23/2005, at the interview, an agreement as to claimed language was tentatively reached as to allowance claim language".

In response to applicant, examiner indicated at the interview that the language would get over prior of record Janacek. Examiner will update a new search for further consideration and did not mention allowance claimed language.

On 9/30/2005, applicant agreed to amend claims for correcting the form of the claims for further consideration.

Second, Applicant argued that the final office action is improper because applicant's amendment did not necessitate the new grounds of rejections.

In response:

In the amendment filed on 8/31/2005 & 9/30/2005, applicant has add new claims 24-28 and has amended claims 1, 17 with the following:

In claim 1, adding the claimed limitations "transferring multiple; at least one access account to at least one; to the web- base database"

In claim 17, adding the claimed limitations "a web-based; express registration action in the web-based; wherein said multiple customer records are transferred from an existing database; accounts".

Thus, the amendment raise new issues that would require further consideration and/or search.

For the above reason, the mailed final office action on 10/24/2005 is proper final office action.

Third, Applicant argued that the combination of Dean and Weinreich is improper to support an obviousness rejection, motivation, and does not teach that the new user account are transmitted to the users once the account is created on the new network; the new user accounts are to be utilized for remote maintenance; modify any of their account information".

In response:

Dean teaches transmitting the extracted account information including a plurality of usernames in each user account 32 of account registry 30 from LAN 10 to account manager 38 in Internet Service Provider (ISP) 22. Account manager 38 then utilizes the received account information to automatically create user accounts. The above information shows that user account information is populated in the account manager 38 of the Internet Service Provider for creating individual user accounts and without express registration action in the Internet Service Provider by users of account registry 30 (col. 3, lines 30-35; col. 1, lines 38-39).

Importantly, Weinreich teaches that database server updates database 70. The database 70 is represented as a web-based database (col. 18, lines 50-60); sending a password to a user for updating user's personal profile (col. 7, lines 60-65; col. 13, lines 19-21); allowing a user to update or remove his personal profile listing from pages records in database 70. To update his/her personal profile, he/she has to enter a password to logon the system for accessing his/her profile. The above information shows that the system automatically updates the user profile the database 70 of the server by using the username and password as the access account. In light of specification, a web database is a database existing on a computer accessible across the Internet (page 4, lines 17-18). Thus, the database 70, which exists on server accessible across the Internet, is represented as a web-based database (col. 18, lines 20-30; col. 9, lines 4-10, col. 9, lines 37-45).

Clearly, the applied references, Dean and Weinreich are all concerned to creating user profiles. Thus, these references are analogous and within the same aspects of endeavor and are combinable.

Thus, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Weinreich's teaching of sending a password to a user and using password to logon the system for updating user profile in database 70 to Dean's system in order to notify users to access their new accounts and further allow users directly update their accounts in a web database anytime via Internet quickly without take many hours to change their accounts.

For the above reason, the combination of Dean and Weinreich are proper and teaches all above claimed limitations.

Applicant provided evidence of non-obviousness. However, as discussed above the office action provides a present a prima facie case supporting an obviousness rejection.

Finally, Applicant provided Declaration Pursuant To 37 C.F. R. 1.132 to demonstrate commercial success of the claimed limitation and also demonstrate that the commercial success flows from the functions and advantages of the disclosed or inherent in the specification and claimed in at least claims 1, 17 and 24.

In response: The Declaration Pursuant To 37 C.F.R. 1.132 is not entered because the Declaration is insufficient following some of reasons as described below:

(1). Applicant failed to provide a showing of good and sufficient reasons why the Declaration 37 C.F.R. 1.132 is necessary and was not earlier presented.

- (1). In numbered paragraph 1, the declaration states were found that they are not sufficiently to support all claimed limitations in at least one of independent claims 1, 17 and 24. For example, the claimed limitations "without express registration action in the web-based database; enabling remote maintenance of the individual records by the individuals by use of the access account" are not described in this paragraph.
- (2). In numbered paragraph 4, applicant failed to provide order sale Invoice over time periods (Time, Dates).
- (3). In numbered paragraph 5, applicant failed to provide when and where the first systems were installed.
- (4). In numbered paragraph 6, applicant failed to provide evidences such as when and where order's placed, copies of sale Invoices; Number of Unit order, Dates customers were order; and Dates sales Invoices showing Quantities ordered.

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